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Of Counsel

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BROADCOM CORPORATION,

Plaintiff,

v.

QUALCOMM INCORPORATED,

Defendant.

CIVIL ACTION NO. 05-3350

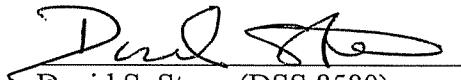
**BROADCOM'S RESPONSE  
TO ORDER TO SHOW CAUSE  
DATED OCTOBER 6, 2005**

The Court's October 6, 2005 Order To Show Cause provides in pertinent part "if the Defendant so objects [to venue in the District of New Jersey, the Court intends] to direct the Plaintiff to (1) show cause why the action should not be transferred to Federal District Court in California, and (2) state, assuming the Court decides to transfer the action, whether it prefers the Southern District or the Central District." Because, on October 28, 2005, Defendant Qualcomm

filed a Response stating that it does not object to venue, it appears that no submission is required by Broadcom. By way of letter dated November 3, 2005, a copy of which is annexed hereto and incorporated herein, Broadcom stated its understanding that it was not required to submit a substantive response on the venue issue and requested clarification from the Court as to whether or not the Order to Show Cause was moot.

Because Broadcom has not yet received clarification that a filing is, in fact, required, Broadcom is not submitting a detailed filing on venue at this time. However, in the event the Court considers the issue of venue now or at any future date, Broadcom reserves the right to file with the Court a submission explaining the legal and factual reasons why (1) this matter was and is properly venued in the District of New Jersey, and (2) if it is to be transferred, the Central District of California is a more appropriate venue than the Southern District of California.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David S. Stone", written over a horizontal line.

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*Counsel for Plaintiff*

Dated: November 10, 2005

**BOIES SCHILLER & FLEXNER LLP**

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November 3, 2005

**VIA FEDERAL EXPRESS**

Honorable Mary L. Cooper  
Judge, United States District Court  
Clarkson F. Fisher Hall  
Federal Building & U.S. Courthouse Room 5000  
402 E. State Street  
Trenton, NJ 08606

Re: **Broadcom Corporation v. Qualcomm Incorporated,**  
**Civ. Action No. 05-3350**

Dear Judge Cooper:

We represent plaintiff Broadcom Corporation in the above-referenced action. We write respectfully to request clarification in connection with the Court's Order To Show Cause entered on October 6, 2005 (the "Order"), given defendant Qualcomm Incorporated's response that it "does not object to venue in New Jersey." *See* Qualcomm's Response to Order to Show Cause (Oct. 28, 2005) at 1.

The Order requires plaintiff Broadcom to file a response by November 10, 2005 "assuming defendant objects to New Jersey venue." The Order also states that "if the defendant so objects," the Court intends "to direct the plaintiff to show cause why the action should not be transferred to a federal district court in California." *See* Order at 2.

In light of Qualcomm's position on venue in New Jersey, it appears that the Order does not contemplate that Broadcom is to file a response, and Broadcom wishes to avoid burdening the Court with an unnecessary filing. However, Broadcom also wishes to ensure compliance with the Court's Order, and is prepared to file by November 10, 2005 a response demonstrating why the action should remain in New Jersey, to the extent the venue issue has not been mooted.

BOIES, SCHILLER & FLEXNER LLP

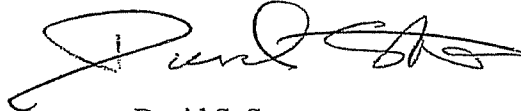
Honorable Mary L. Cooper

November 3, 2005

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Accordingly, we respectfully request that the Court advise the parties whether Broadcom is to file a response to the Order by November 10, 2005, or whether the Order is now moot in light of defendant Qualcomm's position on venue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David S. Stone', with a large, stylized initial 'D'.

David S. Stone

DSS:eb

cc: David Boies, Esq.  
George Cary, Esq.  
William O'Shaughnessy, Esq.  
Evan Chesler, Esq.  
David Marriott, Esq.  
(all via Federal Express)